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7 UNITED STATES DISTRICT COURT
8
9 DISTRICT OF ARIZONA

10 United States of America,
11
12 Plaintiff,
13 v.
14 Luis MENDEZ-Gomez
15 Defendant

#11-34271M

PLEA AGREEMENT
(Flip-Flop)

Fast Track 5K3.1

16 The parties enter into the following agreement:

17 1. Defendant will enter a plea to Count 2 of the complaint, Alien Eluding
18 Examination and Inspection by Immigration Officers of the United States, a misdemeanor
19 offense, in violation of Title 8, United States Code, Section 1325. This plea will occur no
20 later than the time set for the detention hearing/preliminary hearing.
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22 2. The government will dismiss Count 1 of the complaint, Illegal Re-Entry After
23 Deportation, a felony, in violation of Title 8, United States Code, Section 1326(a).
24 This charge if proven, carries a maximum sentence of two (2) years imprisonment, a
25 \$250,000.00 fine, one (1) year supervised release, and a \$100.00 special assessment. The
26 government will dismiss this charge at the time of sentencing.
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1 3. The maximum penalties for the offense to which I am pleading are six (6)
2 months in custody, a \$5,000.00 fine. The government agrees to waive the \$10.00 special
3 assessment.
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5 4. Pursuant to this plea agreement, the government and the defendant stipulate and
6 agree to a sentence of sixty (60) consecutive days of imprisonment
7 to be served in a designated Bureau of Prisons facility.
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9 5. The parties waive a Pre-Sentence Report and agree that sentencing will occur on
10 the date of the change of plea. The defendant understands and agrees this plea agreement
11 contains all the terms, conditions and stipulations regarding sentencing. If the court
12 departs from the terms and conditions set forth in this plea agreement, either party may
13 withdraw.
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15 6. Pursuant to this plea, the defendant waives: (1) any right to appeal the Court's
16 entry of judgment against the defendant; (2) any right to appeal the imposition of sentence
17 upon defendant under Title 18, United States Code, Section 3742 (sentence appeals); and
22 (3) any right to collaterally attack defendant's conviction and sentence under Title 28,
19 United States Code, Section 2255, or any other collateral attack. If the defendant files a
20 notice of appeal or a habeas petition, notwithstanding this agreement, defendant agrees that
21 this case shall, upon motion of the government, be remanded to the district court to
22 determine whether defendant is in breach of this agreement and, if so, to permit the
23 government to withdraw from the plea agreement.
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25 7. If the defendant was on supervised release at the time the present offense was
26 committed, the government may withdraw from the plea agreement.
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2 8. The defendant admits that the defendant was the subject of a previous order of
3 removal, deportation or exclusion. The defendant agrees to the reinstatement of that
4 previous order of removal, deportation or exclusion. The defendant admits that he does
5 not have a fear of returning to the country designated in the previous order. If this plea
6 agreement is accepted by the court, the defendant agrees not to contest, either directly or
7 by collateral attack, the reinstatement of the prior order of removal, deportation or
8 exclusion.
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9. Factual Basis for Plea:

I, Luis MENDEZ-Gomez, am a citizen of Mexico. On or about November 28, 2011, at or near Tucson, Arizona, in the District of Arizona, I, Luis MENDEZ-Gomez, was found in the United States. I admit that prior to my re-entry, I was lawfully denied admission, excluded, deported and removed from the United States through Del Rio, Tx, Intl Bridge on November 08, 2011. I did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States prior to my illegal presence in the United States. Furthermore, as evidenced by my illegal presence in the United States, I admit that I entered the the United States of America from the United States of Mexico, at a time and place other than as designated by Immigration Officers of the United States of America.

Dated this 29th day of November, 2011.

Luis Manuel Mendez Gomez

Luis MENDEZ-Gomez
Defendant

[Signature]

Defense Counsel

ANN BIRMINGHAM SCHEEL
Acting United States Attorney
District of Arizona

[Signature]
Special Assistant U.S. Attorney